UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/47/515
9 October 1992

ORIGINAL: ENGLISH

Forty-seventh session
Agenda item 33

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

Letter dated 8 October 1992 from the Permanent Representative of South Africa to the United Nations addressed to the President of the General Assembly

The Special Committee against Apartheid has decided to hold a meeting in observance of the Day of Solidarity with South African Political Prisoners on Monday, 12 October 1992. It should by now be aware that:

(a) The question of political prisoners has been a matter of negotiation between the parties in South Africa since the adoption by the Government of South Africa and the African National Congress (ANC) of the Groote Schuur Minute in May 1990;

(b) The Pretoria Minute of 6 August 1990 resulted in agreement between the Government of South Africa and ANC on the process for the release of political prisoners and the granting of indemnity for political offences;

(c) An agreement was signed on 30 June 1991 by the Minister of Justice, on behalf of the Government of South Africa, and Mr. Jacob Zuma, on behalf of ANC, recognizing that all prisoners falling within the agreed guidelines of the Groote Schuur and Pretoria minutes had been released;

(d) The ANC/South African Communist Party (SACP) Alliance subsequently claimed that a further number of persons qualified for "political prisoner" status and the Government of South Africa, in the interest of securing the resumption of constitutional negotiations, responded by indicating that it was willing to negotiate the release of additional prisoners to meet the concerns of the ANC/SACP Alliance;

(e) The Record of Understanding signed by State President F. W. de Klerk and the President of ANC, Mr. Mandela, on 26 September 1992 provided for the

release of a new category of prisoners, namely those who, while falling outside the parameters originally mutually agreed, would be regarded as having committed crimes with a political motivation. (The Record of Understanding and the statement by the government spokesman on the release of prisoners were circulated as document A/47/494-S/24606 dated 1 October 1992 of the General Assembly and the Security Council. A copy of the implementation programme for the release of prisoners is attached.)

You will recall that the United Nations Secretary-General recommended in his report to the Security Council of 7 August 1992 that the problem of remaining political prisoners be resolved expeditiously as "it would, in a bold and humane gesture, do much to bury the past and to clean the slate of distrust".

The State President, Mr. F. W. de Klerk, in commenting on such releases, issued the following statement on 1 October 1992:

> "One of the most sensitive aspects of the recent agreements with the ANC has been the release of prisoners who committed crimes with a political motivation.
>
> "The Government's approach to this question is governed by the following considerations:
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> "- The release of these prisoners does not signify condonement of the crimes which they committed - many of which were atrocious and morally inexcusable.
>
> "- However, the Government, has, throughout, accepted that national reconciliation and a comprehensive political settlement, will require that the slate should be cleaned with regard to all persons who have committed crimes with a political motivation. Only on this basis can the book finally be closed on the conflict and bitterness of the past.
>
> "- With this in mind, it is, however, essential that all prisoners and offenders who fall in this category should be treated on the same basis, regardless of their political affiliation.
>
> "The Government will accordingly submit legislation during the forthcoming short session of Parliament which will give it the necessary powers to deal equitably with all prisoners who qualify in terms of these criteria. The legislation will also deal with the cases of all persons who have committed similar offences, but who have not yet been charged or sentenced, so that their cases can be dealt with on the same basis."

The Record of Understanding reached on 26 September 1992 clearly demonstrates the Government's willingness to bring about national reconciliation and a comprehensive political settlement in South Africa. In addresses, finally and comprehensively, the question of "political prisoners"

in South Africa. As a result, the ANC/SACP Alliance, recognizing that an issue it had raised to the level of a key obstacle to the resumption of negotiations had been removed, advised the Government that it would recommend to its National Executive Committee that the process of negotiations be resumed.

While the Chairman of the Special Committee against Apartheid in a statement issued on 1 October 1992 expressed satisfaction at the release of these prisoners, the Committee has nevertheless elected to proceed with the meeting in observance of the Day of Solidarity with South African Political Prisoners, an issue which has lost what relevance it may once have had. It is time for the Special Committee to follow the lead of South Africans who have turned their backs on the past and desist from activities that suggest it is failing to keep track of development.

I should be grateful if the present letter and its annex could be circulated as an official document of the General Assembly under agenda item 33.

(Signed) V. R. W. STEWARD
Ambassador
Permanent Representative

ANNEX

Implementation programme: release of prisoners (in terms of the Record of Understanding)

1. The 150 prisoners on the list attached hereto are to be released forthwith.

2. The following prisoners shall be released on parole next Monday, 28 September 1992:

Mzondeleli Nondula

Mthetheleli Mncube

Robert John McBride

Syliva Mjingwana

It is recorded that these prisoners have already applied to be released on parole.

3. Other prisoners serving life sentences shall be released on or before 15 November 1992.

4. As the identification of other prisoners proceeds, they shall be released.

5. The process of releases shall be completed before 15 November 1992. Where a prisoner is identified after 15 November 1992, such prisoner shall be released.